

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
                                )  
v.                            ) CASE NO. 2:09-cr-128-MEF  
                                )  
RASHEEN JAHMAL SMITH     )

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The defendant's Objection to the Report and Recommendation of the Magistrate Judge (Doc. #60) filed on November 30, 2009 is overruled;
2. The Recommendation of the United States Magistrate Judge entered on November 16, 2009 (Doc. #57) is adopted;
3. The defendant's motion to suppress (Doc. #28) is GRANTED as to the statements made in connection with the November 6, 2008 stop and DENIED as to all issues.

DONE this the 16th day of December, 2009.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE